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In re Application of	:	DECISION ON
NORDAL et al	:	
Application No.: 09/926,531	:	
PCT No.: PCT/NO01/00113	:	PETITION UNDER
Int. Filing Date: 15 March 2000	:	
Priority Date: 15 March 2001	:	37 CFR 1.137(b)
Attorney's Docket No.: P67191US0	:	
For: VERTICAL ELECTRICAL	:	
INTERCONNECTIONS IN A STOCK	:	

This decision is in response to applicants' "Petition To Revive Under 37 CFR 1.137(b)," filed on 14 March 2003.

BACKGROUND

On 15 March 2000, this international application was filed, claiming an earliest priority date of 15 March 2001.

A Demand electing the United States was filed in this international application on 16 October-2001. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 15 September 2002. This international application became abandoned with respect to the United States at midnight on 15 September 2002 for failure to pay the required basic national fee. A copy of the intentional application was transmitted on 20 September 2001 to the USPTO from the International Bureau.

On 15 November 2001, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the U.S. basic national fee, the copy of the international application, and an executed declaration.

On 28 March 2002, the United States Patent and Trademark Office erroneously mailed the Notification of Acceptance (PCT/DO/EO/903) since the application was abandoned for failure to enter the national stage and pay the basic national fee by 15 September 2002.

On 14 March 2003, applicants filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in § 1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is GRANTED.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371 date of this application is 15 November 2001 as indicated on the PCT/DO/EO/903 mailed on 28 March 2002.


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